

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS GROMOV, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

BELKIN INTERNATIONAL, INC.,

Defendant.

Case No. 1:22-cv-6918

Hon. Franklin U. Valderrama

GROMOV'S OBJECTIONS TO BELKIN'S DISCOVERY REQUESTS

Gromov now objects to Belkin's requests for production served on June 9 and the deposition notice also served on that date.

REQUESTS FOR PRODUCTION

1. Please produce for inspection and testing the Belkin Pocket Power 10000 that you allege in the Complaint that you purchased.

ANSWER:

Objection.

Gromov is willing to produce the battery for inspection if Belkin will propose a protocol for inspection which safeguards the integrity of the device. Gromov explained this to Belkin on June 12 (see Exhibit). Belkin agreed to do so on June 13 (see Exhibit). No further response was received.

2. Please produce for inspection and testing the Samsung Galaxy S6 Edge that you identified in your discovery responses.

ANSWER:

Objection.

Producing this phone is irrelevant to the claims asserted in the action. The action involves fraudulent marketing and design of the battery pack,

and not any particular end user's device. Any device with a resistive load can test the battery pack; this particular phone is not needed. Producing Gromov's phone for inspection also imposes an undue burden on Gromov for an unknown length of time, as he uses the phone daily. Producing the phone also involves overbreadth because it contains information not relevant to the claims or defenses in this action, and also contains attorney-client communications. Belkin has produced no inspection protocol relating to any production of the phone.

Gromov explained all this to Belkin on June 12 (see Exhibit). Belkin agreed to respond further on June 13 (see Exhibit). No further response was received.

DEPOSITION NOTICE

Gromov objects to the deposition notice for the deposition set on July 19. He is not available on this date. Gromov explained this to Belkin on June 12 (see Exhibit). Belkin never provided another date.

Date: July 10, 2023

/s/ William F. Cash III

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Attorneys for Plaintiff Dennis Gromov

CERTIFICATE OF SERVICE

I certify that these *Gromov's Objections to Belkin's Discovery Requests* will be served on Belkin, today, July 10, 2023 by e-mail with Belkin's consent.

/s/ William F. Cash III

Bill Cash

From: Sims, Nancy <Nancy.Sims@bakermckenzie.com>
Sent: Tuesday, June 13, 2023 9:52 AM
To: Bill Cash; Estrada, Christine; gblankinship@fbfglaw.com; jason@kazlg.com; ak@kazlg.com; Matt Schultz; bsilverman@fbfglaw.com; Scott Warrick
Cc: Totino, Edward; Mathy, Patricia; Tracy Gilbert
Subject: RE: Gromov v. Belkin International, Inc.

Hi Bill -

Confirming that we are happy to meet and confer on a different deposition date that works for your side. We'll revert with some other suggestions. We'll also will circle back on the inspection issue once we've had a chance to review your email below in more detail.

Best,
Nancy

From: Bill Cash <bcash@levinlaw.com>
Sent: Monday, June 12, 2023 2:29 PM
To: Estrada, Christine <Christine.Estrada@bakermckenzie.com>; gblankinship@fbfglaw.com; jason@kazlg.com; ak@kazlg.com; Matt Schultz <mschultz@levinlaw.com>; bsilverman@fbfglaw.com; Scott Warrick <swarrick@levinlaw.com>
Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin International, Inc.

Hello Belkin colleagues,

The date you have selected for Mr. Gromov's deposition is not available. Usually in Chicago we work these things out before anybody issues a notice and we are happy to do so here.

Regarding Belkin's request for Mr. Gromov to produce his battery pack for inspection: I would first note that since Belkin objected to producing any devices for inspection, it was interesting to see Belkin turn around and ask for the same. But we are open to discussing this with you. If all you want to do is look at the device, we will show it to you at the deposition. However, if you want to actually conduct some kind of test, then we would like you to propose an inspection protocol that will safeguard the integrity of this evidence.

Regarding Belkin's request to produce Mr. Gromov's cell phone for inspection: We are not inclined to agree, because the complaint is not about some problem with his Samsung phone, it's about the battery pack. Assuming you seek to test rather than just inspect, then we don't still see why you need this specific phone. Any device that places a resistive load on a battery pack—such as a laboratory meter—could measure the battery pack's performance. Also, in running a test you run the risk of scrambling the phone or its data, not to mention the inconvenience in separating Mr. Gromov from his phone for some

period of time. Further, I see no reason I would let Belkin have access to go through any of the data on Mr. Gromov's phone.

Finally, we already *know*, from the filings and the discovery in the *Miley* case and the testimony of Belkin itself, that Belkin's "10,000 mAh" device is not designed to be capable of outputting that amount. And we know that Belkin has already tested its battery packs and, by design, they don't provide 10,000 mAh of output energy. Given that position, what is gained by testing either the battery pack *or* the phone?

In sum, if you want to set the deposition on a mutually agreeable date, please provide us some; and if you would like to inspect the battery pack to any greater degree than just looking at it, please provide an inspection protocol that we can work with. When it comes to inspecting Mr. Gromov's phone, we would like to learn your rationale and intentions. We're not likely to agree, but are open. Either way, we would like to have built a sufficient record to take to the court in the event we do not agree. Thank you.

Bill Cash III

Of Counsel

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Phone: 850-435-7059
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From: Estrada, Christine <Christine.Estrada@bakermckenzie.com>

Sent: Friday, June 9, 2023 7:19 PM

To: gblankinship@fbfglaw.com; Bill Cash <bcash@levinlaw.com>; jason@kazlg.com; ak@kazlg.com; Matt Schultz <mschultz@levinlaw.com>; bsilverman@fbfglaw.com; Scott Warrick <swarrick@levinlaw.com>

Cc: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>

Subject: Gromov v. Belkin International, Inc.

CAUTION: This email
message is **EXTERNAL**.

Counsel:

Please find attached the following:

- NOTICE OF DEPOSITION OF PLAINTIFF;
- DEFENDANT BELKIN INTERNATIONAL, INC.'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO PLAINTIFF;

- CERTIFICATE OF SERVICE.

Regards,

Christine Estrada

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